

Law (gentl.) (1933) Department.

M. SERIES.

G.O. No. 3755

DATED 20-11-1933

[Despatch Abstract.]

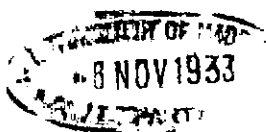
Criminal appeal

Appeal against acquittal - C.A.No.16/33 on the file of the
Sessions Judge, South Kanara - Declined.

Ref. C-4413/m/33

295546B
6/13

South Kanara Dt. Magistrate's Office,



Mangalore, dated 2nd November 1933.

VE
85

From

E. M. Gawne, Esq, I.C.S.,

District Magistrate,

South Kanara.

To

The Secretary to Government,

Law (General) Department,

Madras.

Sir,

14-16-41 (W)

44-43-58 (W)
Criminal Justice-- C. A. 16/33 on the file of the Sessions Judge in C.C.24/33 on the file of the Sub Divisional Magistrate Mangalore--order of acquittal by Sessions Judge in appeal--Appeal against acquittal--recommended.

C.C.No.24/33 on the file of the Sub Divisional Magistrate Mangalore related to a Police charge sheet against one Pellipadi Mailla Rai and 26 of his associates for offences of rioting armed with deadly weapons, (section 148 I.P.C.) of attempt to murder (section 307 I.P.C.) and of hurt and grievous hurt (sections 324 and 326 I.P.C. read with section 149 I.P.C.). The charge under section 307 I.P.C. was subsequently withdrawn for want of proof. The Sub Divisional Magistrate discharged A1, 21, 26 & 27 for want of evidence against them, acquitted A18 and 20 under section 258 (1) C.P.C. and convicted the other 21 accused of the offences with which they were charged. The accused who were convicted appealed to the Sessions Judge who allowed the appeal and acquitted the appellants in his judgment dated 9th October 1933 in Crl. Appeal No. 16/33 on his file.

2. The Public Prosecutor, Mangalore, and the District Su-

perintendent of Police have proposed the acquittal on a full
the acquittal on the ground that the evidence is insufficient
miscarriage of justice as the case is not proved. The evidence
evidence for the prosecution and that the evidence is not sufficient
affected the peace and order in a part of the district of
Futtur Taluks which is under the influence of the accused
accused Maile Rai and his many associates and others.
some others.

3. I am convinced that it is a case of a mob attack on a
of 1944 in order that the accused persons should be acquitted. This
torious rowdies and the accused persons should be acquitted. This
be credited on the ground that the evidence is not sufficient
to the serious injuries to the persons who were injured. The injuries
not have been self inflicted. The injuries to the persons who were
4 and 7) among the injured persons and the persons who were injured
the mob attacked all the persons who were injured. The injuries
identity. In para 21 the Sessions Judge is frankly puzzled by these
injuries but at least it makes out of the question the defence ver-
sion that the injured persons were injured by the mob attack on the
the Iliyar house in order that the accused persons should be acquitted.
the accused were injured and the injuries to the persons who were injured
house was futile. The Sessions Judge has not made out of the defence version
44 and yet in paras 45 and 46 he says that the accused persons were
34 7

4. In para 47 the Sessions Judge says that the accused persons were
that the Sessions Judge's theory that the accused persons were
there at all. No doubt the accused persons were injured. The injuries
ably from the affair. That is because the accused persons were
was surrounded by a large number of rowdies, and certainly
and he was far from help. The accused persons were injured
army. He was nearly shot by the mob. The accused persons were
rather 'vacillating' and the accused persons were injured by the
volver.

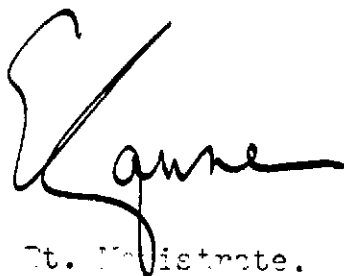
5. The Sessions Judge should not have reached aside the reason-
able statement that persons ~~who~~ ^{were} afraid of the evidence because
of fear of Maile Rai and his associates. The accused persons were
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Court cannot find out the true facts if there are no disinterested witnesses. But all the injured persons were not "interested" in the sense that they belonged to P.W. 1's party. The Sessions Judge has found no reason for the two way-farers (P.Ws. 4 and 7) being injured.

4/1-139 (W)
6. I enclose herewith a memorandum of argument on the Sessions Judge's judgment of acquittal prepared by the Public Prosecutor, Bangalore and recommend that the Government may be pleased to direct the Public Prosecutor, Madras, to present an appeal to the High Court from the appellate order of acquittal passed by the Sessions Judge.

4/14-58
7. Copies of judgments of the Sub Division Magistrate, Bangalore, and of the Sessions Judge are submitted for reference.

Your obedient servant,


St. Magistrate.

Law (General) Department

C.No. 5546 B

Undt.No. 5546 B-1
8/11/33.

Criminal appeal
Criminal revision petition

Appeal against acquittal
enhancement of sentence
To set aside the order of discharge

S.C./C.C./C.A.No. 16 9/33 on the
file of the Sesss Judge, Sesss Kanara
From the D.M., S. Kanara

4. 1-2 00

Ref.No. 4413/m/33 d. 2. 11. 33

referred to the P.P./~~Crown Prosec~~
~~enter~~, Madras, for opinion whether
an appeal to the
Criminal revision petition

High Court against the judgment of the
for enhancement of the sentence passed
to set aside the order of discharge
passed by the
Sesss Judge, Sesss Kanara
acquitting accused in C.A./C.C./C.A.
No. 16 9/33 on his kind file as
likely to be successful.

2/- He is requested to forward
his opinion as early as possible
by

Rev
8.11.33

8/11

To the P.P./~~Crown Prosecutor~~,
Madras (with a copy of the
~~letter/letter of the~~
~~order of Police~~ and its encl.
in original to be returned
with reply)

(W)

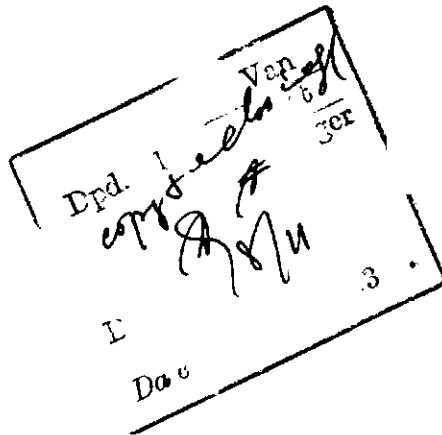
Note.

Date of Judgment 9-10-33

" expiry of (8-1-33)
the usual appeal time

No limit of time for filing criminal
revision petitions.

R 1 month



JUDICIAL

DEPARTMENT.

C.F. 30.

Received 192

Registered 192



Subject.

Appeal against acquittal - C.A.1, -
Sessions Judge, South Kanara -
forwarding opinion.

ENCLOSURES.

No

Spare copies

Opinion No. 74 of 33

Station Madras Dated the 14th November 1933.From (Name) L. H. Bewes Esquire,(Designation) Public Prosecutor, Madras.

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

With reference to Endorsement No. 546 B-1,

Law (General) dated 8-11-33, I have the honour to
forward herewith my opinion in the matter.

2. The enclosures received with the endorsement
are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

RS/14-11.

b

/f bank

Endorsement No. 5046 B-1, Law (General) dated 8-11-1933.

O P I N I O N

In this case 27 persons were charged by the Bantwal police before the Sub Divisional Magistrate of Mangalore for offences under Sections 148 and 326 read with 149 I.P.C. The trial Court discharged accused 1, 21, 26 and 27 and acquitted accused 18 and 20 and convicted the rest sentencing accused 2 to 4 months under Section 148 and 6 months under Section 148 read with Section 149 and the rest of the accused to 2 months under Section 148 and 3 months under Section 326 read with Section 149 I.P.C.

12-5-34 (W)

The rioting was the outcome of a property dispute which had arisen in the following circumstances: There was one Gummakka who was the Ejamanathi of an Aliyasanthana family. During her life time she was collecting her rents from her tenants through accused 1 and 2. After her death her sister Devamma succeeded to the properties and accused 1 and 2 offered to help her to continue the collection of rents and profits as before, but she refused their assistance. In consequence of that they were giving trouble to Devamma in the collection and management of her properties. Petitions to the police and Magistrate were preferred by Devamma and her son-in-law, P.W.8 for ~~protection~~ protection against accused 1 and 2 and their followers. This

rioting ensued on the day of the occurrence in the presence of the Sub Inspector of Police, P.W. 1. The first information, Ex. A, was sent by P.W. 9 through P.W. 17. Though Ex. A was sent two hours after the actual occurrence it merely mentions that the second accused and party numbering about 20 or 30 men, most of them known men, came in a body and assaulted P.W. 1 and his party and caused serious injuries. It cannot give any particulars as to who the other accused parties were, who the persons that were injured and what was the nature of the injuries that were sustained by them. The prosecution had also put forward eye-witnesses to the occurrence namely P.Ws 1 to 7 besides P.Ws 8 and 9 who had also a knowledge of the occurrence. The accused in their defence put forward that the house and other properties had not actually been in the possession of Devamma but continued to be in the possession of the second accused and when the prosecution party attempted to take forcible possession of them there was a scuffle at the house and not on the river bank as alleged by the prosecution. The trial Court believed the evidence of the prosecution witnesses and convicted the accused as above mentioned. On appeal the learned Sessions Judge in an elaborate judgment discussed the various aspects of the case and came to the conclusion that the first information, Ex. A sent by P.W. 9 would lead one to the natural inference that he was writing things which he

pp 4-6 of A

not personally see. Besides, he was of opinion that all the witnesses on the side of the prosecution were interested and in the absence of other independent testimony which might have been available, it was unsafe to base a conviction on such evidence. He has also found that the prosecution had not proved beyond doubt that the attack occurred at the Sarpadi ferry as mentioned by the witnesses. On these reasons he held that the prosecution had not proved its case and acquitted the accused.

The reasons given by the Sessions Judge cannot be said to be perverse or out of the way or even unsupported by the evidence on record. When he chooses to disbelieve the evidence for reasons mentioned by him in his judgment it is not likely that the High Court would disturb such an order of acquittal as was passed in this case.

A | I am therefore of opinion that an appeal is not
likely to be successful.

M a d r a s, Ø
14th Nov. 1933. Ø

[Signature]
Public Prosecutor.

RS/14-11.

[Signature]
14/11

Criminal Appeal No 16/33.

Between:
 26 OCT 1933
 DATA

and

Respondent.
(Complainant)

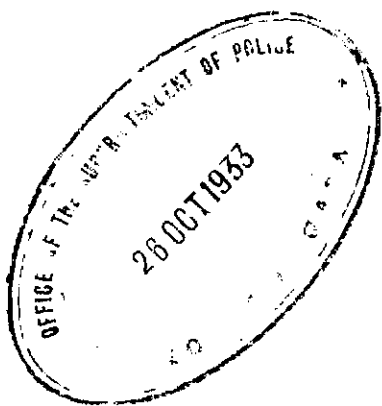
The case for the prosecution is that while Gummakka was the ejamanthi of the Aliyasantana -- family, her younger sister Devamma with her daughter and son-in-law, P.W.8 were living in the main -- family house at Eliyur while Gummakka herself was living with her daughter Laxmimathi and her son-in-law Ammu Padivala at Arikallu house in Kadeshwalya village. The rent collections of the entire -- family properties paying an assessment of over -- Rs. 2,300/- was entrusted to A1 and A2 who were -- making a large profit for themselves by misappropriating a large portion of the rents. Gummakka died in July 1931 and after her death her younger sister Devamma became the ejamanthi of the family as the seniormost member and the patta of the -- entire properties was changed into her name. A1 and A2 offered to collect the rents as before but Devamma having refused A1 and A2 set themselves up against her and began a sort of warfare by -- winning over the tenants of the family properties by threats or bribes, by forcibly carrying away the rice and paddy of the tenants and preventing

them from attorning to the said title. [unclear],
DD, SS and P.Ts 1, 5, 3, 2, 11 and 12.

In the course of this litigation -
the depredat^{ions} of A1 and A2 became so increas-
able that the Pattadarthi was forced to seek the
aid of a rich neighbouring landlord, P. 1. 1. 1. --
gave the entire property on validegan to the said P. 1. 1. 1.
October 1931. The main house and the home-farm lands were in the possession of Devamma
herself and when she had to go to the village for a
relation of hers in Paltia village in October
1931 she asked this P. 1. 1. 1. to be in possession
of the family house and to guard it for her. While P. 1. 1. 1. with some of his men were in possession the Pantwal and Inspector, P. 1. 1. 1. got there by A1 and A2 and got him and his men arrested on 12-10-1931 and had them taken to Bantwal. Because of this and because the term lease within a month. While the police were making ready to take forcible possession of the house, Devamma filed a petition before the Circle Inspector of Police on 20-10-1931 for police aid and for protection of her person and of the family house and the home-farm lands. Ex. L. The Circle Inspector after the police sent a report in which police officers were mentioned under section 145 C.P. were started in court after hearing the evidence that Devamma was in possession and lost her possession. (Ex. M.) It is significant to note that the contention of A2 in the court was that

the previous ejamanthi Gummakka had put him in possession of the family house and lands and that in fact he was collecting the rentals for her. The Circle Inspector also has given evidence in the said enquiry that when he went there he found Devamma and her party in actual possession. -- While those possession proceedings were pending, the time for collecting the rentals of the 1st instalment came and as A1 and 2 and their partisans and followers were marauding the lands and threatening Devamma and her agents with harm in case they should collect the rents, Devamma filed a petition on 19-1-1932 under the Chudias Estates Land Act for police aid during rent collections. (Ex. P.) This petition was endorsed by the Circle Inspector to the Sub Inspector with definite orders to remain in the village and to see that no breach of ~~xxxxx~~ the peace takes place. The Sub Inspector (P.W.9) however ~~xxxx~~ even before this petition was filed had gone to the village in the company of A1 and 2 on account of certain allegations made by A1 and 2 against P.W.1 and his party. It is in evidence that some of the rice rental collected by P.W.8 that day was even held up by the Sub Inspector at the instance of the accused, though he subsequently released it. On the 19th evening in spite of the specific orders of the Circle Inspector to the contrary, the Sub Inspector brought back the Head Constable and the Constables and all returned to Bantwal thus -- leaving a free field to the accused who on that night went and took forcible possession of the Eliyur house. On the Head Constable reaching --

the Bantwal station that night the Sub Inspector
again sends him back to the village. He is
ed foul play. This Head Constable is returning the
~~Patil~~ ^{Patil} house which is within 1/2 mile from the
Aliyur house hears about the trouble and the
accused into the family house and going there in
company of P.W.8 actually finds them in company and
it forcibly taken possession of by A2 and A3.
On coming to know the actions of the Sub Inspector
on the 19th Devanna got another petition filed
before the Sub Magistrate Bantwal on 20-1-1950,
Ex. FF, which is also endorsed by the Sub Magis-
trate to the Police. The Sub Inspector
goes to Sarpadi on the afternoon of 20th and
reaches the Sarpadi ferry at 2 P.M. There he
meets and asks P.W.8 to come with him to collect
rents ^{but} P.W.8 refused to go with the Sub Inspec-
tor as he is a party to the case. The
Sub Inspector then crossed the ferry to the Sarp-
pady side and getting P.W.1 persuaded him to
call over P.W.8 from the Sarpadi side and to
endorse at least on the petition that he does
not want the aid of the Sub Inspector. It is
while P.W.8 was crossing over to the Sarpadi
side that these appeared with about 40 or 50 others
armed with daggers, knives and guns ran to the
place and beat P.W.1. P.Ws 2, 3 and 4 followed
and P.W.1 jumps over the stile and runs to the
sands where he is chased and run over by
A 2 to 6 and some other and there also he is
beaten. P.Ws 2, 3 and 4 follow and try to inter-
vene and they are also beaten along with P.W.1.
4, 5 and 7 who also happens to go there. Two of



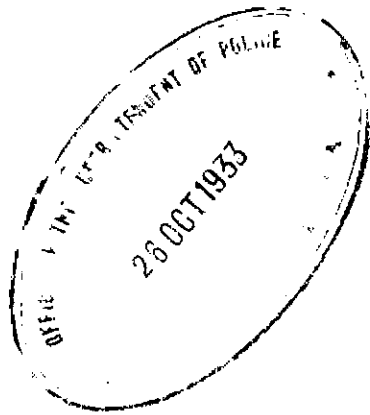
them P.Ws 4 and 7 ^{are} ~~one~~ simple wayfarers and they too are ~~not~~ let off. P.W.8 was then seen coming towards the ~~sands~~ on the Sarpadi side and Accused 2 and others rushed towards him and fired 2 or 3 - shots at him with a revolver. P.W.8 however runs back into the river, dives and survives and is - ultimately rowed across the river. In the mean- time Kunta Beari one of the injured men goes into the toddy shop on the plain and finding a loaded - gun inside fires it off with the intention of -- frightening away the roiters. Accused 2 and others surrounded the toddy shop suspecting their enemy - Mana to be inside, go in and find Kunta Beari (P. W.5) there and Accused ₂ ~~a~~ drags him out with the - gun ~~and~~ wants the Sub I_nspector to arrest him. The Sub I_nspector who has been vainly trying to stop the beating makes a show of arresting Kunta Beari to prevent further harm. Accused 2 however under the excitement which he must have been in at the times ~~x~~ points a revolver at the Sub Inspector and threatens to shoot him. While this was prevented by Accused 23 and another saying that after all the Sub I_nspector had not done them any harm. - The Sub Inspector's previous actions and conduct justifies this intervention by Accused 23 and -- saving him. The Sub Inspector then marches this Kunta Beari to the Maninalkur potail's house -- followed by some of the accused and from there sends the first information of the occurrences, Ex. A with Head Cinstable Krishnappa who reaches the station at 12 midnight and the Circle I_nspector records a detailed statement from him, Ex. N. as to what he said and what the accused did on -

the forenoon of the 20th i.e the location of certain houses of the tenants etc. The injured men are brought to hospital on flat bed. The Circle Inspector questions them and records their statements. He goes to the locality of the case and sends Aunta Beari who was with the Circle Inspector all along for medical inspection. The Circle Inspector in the course of the investigation finds marks of blood on the ground on the Sarapdi side of the ferry and the toddy and arrakk shops (Exs. R, S and T). These marks are consistently spoken to by P.Ws 1 to 7 of whom P.Ws 1 to 7 are injured men.

The case for the defence is that Accused 2 and his party were in possession of the Eliyar house and P.Ws 1 to 7 were there armed and in trying to take forcible possession from Accused 2 were beaten and injured and that P.W. 9 actually scolded at the injured P.Ws 1 to 7 in thus taking forcible possession of the house and lands. P.Ws 1 and 2 speak to this and P.W. 6 an alleged ferryman says that a fight took place at the ferry. The other P.Ws examined are all for the trial of one or the other accused. P.Ws 1 to 3 are for Accused 1. P.Ws 4, 5, 6, 7 and 8 for Accused 4 and P.W. 9 for Accused 3.

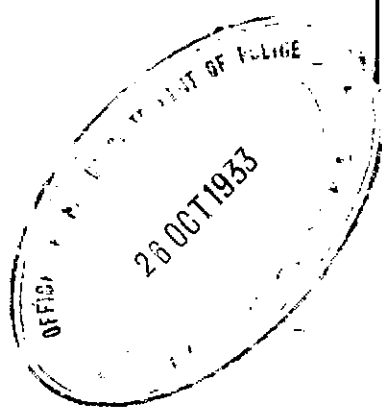
That fight did take place in the afternoon of 20-1-1900 at which P.Ws 1 to 7 were injured is admitted by the defence. The only question is where and under what circumstances it

it take place. The Sub Divisional Magistrate who heard the case held that the fight took place at - the Sarapady ferry as stated by the prosecution - and not at the Eliyur house as contended by the - accused. The Sessions Judge however finds that - ^{the Prosecution} ~~they~~ had a strong motive to take possession of the house and finds the accused's version more probable.



Long prior to the date of this -- offence it will be found from Exhibit M and the -- evidence in the case that the Circle Inspector and Sub Inspector had been examined in the possession case and that they had deposed to having found Devamma in actual -- possession of the house. Any way the possession - proceedings were pending and the c.p therein (* - Accused 2 in this case) had not at any time asked for a local inspection of the house to see who is in actual possession. If he had, then no doubt - P.Ws 1 and 8 had necessity to retake forcible --- possession of the house soon and before any local inspection is held. As it is, even if the accused had taken wrongful possession on 19-1-32, the court would have given Devamma possession of the house if it declared her possession as any dispossession during the pendency of the proceedings or even -- within two months prior to it would not have matter- ed. So Devamma's party had no necessity to take the law into their own hands and retake forcible possession of the house. Then again it is not the accused's case that they took forcible possession of the house on 19/1.32 They say that Accused 2 has been in possession since Gummakke's life time. If, even when the petition Ex. L was filed or -

not one of the accused received any injuries ,
not even a scratch. Can this be possible at all.
When 7 persons of P.W. 1's party were being so
roughly handled, the party who goes armed to take
forcible possession of the house would certainly
have dealt the other side at least one blow. Yet
from the evidence of P.Ws 4 and 5 it is clear that
not one of the accused's party received any injury.
This circumstance if anything, conclusively --
proves that the fight could not have taken place -
at the house as now contended by the Accused.



On 22/1,¹¹ the Circle Inspector
does find blood on the sands of the Sarapadi side
of the river at the toddy shop and arrack shop.
How could this be if the fight did not take place
there. There does not seem to be any reason why
the Sub Inspector and prosecution should have -
chosen Sarapadi Ferry of all places to lay the
scene of fight, ⁱⁿ if the whole thing were a concoct-
tion. They could have easily chosen some place
in Manikpur ^{itself}.

The defence version thus is
seen to be entirely false. The prosecution story
is spoken ^{to} consistently by all the persons injured,
P.Ws 1 to 7 in addition to the Sub Inspector (P.
W. 9) and P.W.8.

A reading of the Judgment
of the Sessions court shows that the Judge has
been ^{at} inconsiderable ^{pains} to find out small -
weak points of the prosecution and to magnify -

them.

His main objection to the prosecution version seems to be that the first report of Sub Inspector is imperfect. He has held on to certain portions of it and has taken considerable pains to show the present version is not in conformity with it.

One should not forget the circumstances under which it was written. The Sub Inspector and others were in a state of considerable excitement and probably in mortal fear of being again attacked and so the primary idea was to lay a complaint on that took place and to seek help of men from the Circle Inspector at the station and so hastily a note ^{was written} was sent by the Sub Inspector and sent through Head Constable. It is true he had nearly ~~four hours~~ ^{hours} between coming to the Petitioner's house and sending of ^{Ex A.} ~~the~~ note. But every one who has been highly excited and anxious to know the fate of the injured. The Sub Inspector would go back for fear of his own life. It is a very imperfect report. If the whole story were deliberately written, the Sub Inspector would certainly have written a better and more perfect report. The Accused's party having admitted F. I. No. 1 and the Sessions Judge has taken notice of every word used by the Sub Inspector. In the first place looking to the admitted previous conduct of the Sub Inspector no part of F. I. No. 1 is to be taken.

If any such did, the accuseds' party would certainly not have escaped without so much as a scratch. This shows that the state of the Sub Inspector's mind when Exhibit A was written was such that he could not pick and choose his words. There does not also seem to be any valid reason - why the Sub Inspector who has always been showing and proving himself a friend of Accused 1 and 2 should all at once turn against them, and befriend P.W. 1 going to the length of planning and executing an ~~attack~~ ^{attack} on the Eliyur house and concocting a whole story falsely against the accused.

P.Ws. 1 to 8 were all examined by the Circle Inspector on 21/1 and the whole story has come out then. P.Ws 4 and 7 are real way-farers and there is no reason why they should either join P.W. 1 in taking forcible possession of the Eliyur house or to attack Accuseds' party or to perjure against the Accused. That they were beaten, there is no doubt. To say that because they have received injuries they must be taken to be the partisans of P.W.1 is arguing in a circle. The Sessions Judge says that if mere way-farers they would not have been beaten at all or to such an extent, ^{this} is not a good argument. In fights like this the attackers rarely wait to discriminate as to the persons they select for victims, nor do they take much time between blows. The accused might have at first thought them to be P.W. 1's party or come to help P.W.1 and so beaten them.

The Sessions Judge again says

that the neighbours of the locality are not witnesses. But then the Judge remarks that the evidence shows the nature of the offence and a few people would give evidence against them, but still would go near the place where an offender is beating persons.

Sections Judge
The Sub Inspector

much of one other point, that the Sub Inspector did not go to the Sarapadi Potail's house which was nearer but went to the Eliyur house which is farther off. In the first place the Sub Inspector swears that he did not know where the Potail's house was. The Sub Inspector did not know the potail ^{personally} ~~formerly~~ and could not know the partisan he was. He knew the Eliyur potail and Devamma's relation and could ^{object} ~~except~~ help and sympathy there and he also knew that the police who had come earlier would be in the Eliyur house. That is why he went there and not even think of Sarapadi potail's house. He himself sent a report there and no need of getting another report to the police from the potail of Sarapadi.

The Sessions Judge does not appear to have seen that the offence took place in January 1932 and the witnesses were examined about 10 months later and cross examined about 12 months after the offence. Small differences regarding time and sequence of beating are said to crop in. These should not have been magnified or relied upon.

This is a case in which law and order have been totally ^{defied} ~~deprived~~ by the accused and -- their lawlessness has reached a height and the Sessions Judge has entirely lost sight of main -- probabilities and has gone on small trivial points. There has thus been an entire mis -carriage of justice and public interests require that an appeal - against acquittal should be filed.

There is a point of law also involved in the case. The appeal in the case seems to have been filed while the Sessions Judge was at Madras during the midsummer vacation. Under law the sessions judge outside the district cannot exercise any functions of a court. He has jurisdiction to receive appeals and pass bail orders only when he is within the district where he is the Sessions Judge. The very notification of the closing of the court for recess also declares that any bail petitions etc. should be made only to the High Court. Thus the presentation and filing of the appeal in this case was bad, in law. It was not re-presented after the re-opening of the courts nor was any delay excused or wanted to be excused nor was the wrongly filed appeal ordered to be treated to ^{have been} ~~be~~ properly filed later on. Thus there was no appeal legally filed in which the Sessions Judge could interfere.

Rule 143

SRP

nm 89.3.33
all app. by m. m.



LAW 1-4-100-30-1-80.

Received _____ 19

Registered _____ 19

Criminal appeal.

Appeal against acquittal—Negative.

C.A. Case No. 16/33 on the file of the Sessions Judge
Sankh Kanara Declined.

LAW (GENERAL) DEPARTMENT.

READ—the following papers:—

[C.M. 5546B] From the District Magistrate, Sankh Kanara, No. 4413/m/33, dated 2.11.1933
Endorsement to the Public Prosecutor, Madras, No. 5546B dated 8.11.1933
[C.M. 5769B] From the Public Prosecutor, Madras, No. 74/33, dated 14.11.1933.

ORDER—Mis. No. 3755, dated 20/11/1933.

The Government do not consider it advisable to appeal to the High Court
against the judgment of the Sessions Judge, Sankh Kanara,
acquitting the accused in C.A. No. 16 of 1933 on his file.

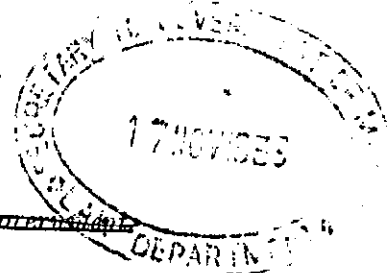
8
Tb. 11/33
- row
- 16.11.33

(True Extract.)

1802
17/11

17/11/33.

C. 2. 17.11.33.



Secretary to Government

To

The District Magistrate, Sankh Kanara. 27.12.33, a.d. 11.80
The Public Prosecutor, Madras. 28.12.33 with pp 14-58 & (W) ret.